

1 BRUCE W. BLAKELY [SBN 106832]
2 FLAXMAN & BLAKELY
3 Shelterpoint Business Center
4 591 Redwood Highway, Suite 2275
5 Mill Valley, CA 94941
6 Telephone: (415) 381-6650
7 Facsimile: (415) 381-4301

8
9
10 Attorney for Plaintiff and Creditor
11 Philip DiGirolamo

12 UNITED STATES BANKRUPTCY COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 IN RE

15 ANGELO DiGIROLAMO,

16 Debtor.

17 PHILIP DiGIROLAMO,

18 Plaintiff,

19 vs.

20 ANGELO DiGIROLAMO,

21 Defendant.
22
23
24
25
26
27
28

) Case No.: 10-50178

) Adversary Proceeding No.: 10-05022

) Chapter 7

) **AMENDED REQUEST FOR ENTRY OF
CLERK'S DEFAULT**

AMENDED REQUEST FOR ENTRY OF CLERK'S DEFAULT

Case: 10-05022 Doc# 10 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 1 of 2

1 Plaintiff Philip DiGirolamo hereby respectfully requests the entry of a Default herein by
2 Clerk of the Court as follows:

3 1. On January 8, 2010, Angelo DiGirolamo (the "Defendant") filed a voluntary
4 petition for liquidation under chapter 7 of the Bankruptcy Code, initiating the above case.

5 2. On February 4, 2010, Plaintiff Philip DiGirolamo filed the instant Adversary
6 Proceeding.

7 3. On February 9, 2010, Plaintiff duly served the Defendant with the Complaint and
8 Summons herein.

9 4. More than 30 days have elapsed since said service, and no Answer or responsive
10 pleading has been filed with the Court or served on the Plaintiff.

11 5. The Defendant is not a minor or incompetent, as evidenced by the fact that she
12 filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code.

13 6. There is no reason to believe that the Defendant is in the military.

14 7. Counsel for Defendant has advised counsel for Plaintiff that Defendant does not
15 intend to file an answer or other responsive pleading in this Adversary Proceeding. A copy of
16 defendant's counsel's written confirmation that Defendant does not intend to file an Answer or
17 other responsive pleading in this action is attached to the Declaration of Bruce W. Blakely in
18 Support of Request for Entry of Clerk's Default, filed herewith, as Exhibit C.

19 WHEREFORE, Plaintiff prays that the Clerk make and enter the Default of Defendant
20 herein.

21 Respectfully submitted,

22
23 Dated: March 23, 2010

24 /S/
25 Bruce W. Blakely
26 Attorney for Plaintiff and Creditor
27 Philip DiGirolamo
28

AMENDED REQUEST FOR ENTRY OF CLERK'S DEFAULT

Case: 10-05022 Doc# 10 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 2 of 2

1 BRUCE W. BLAKELY [SBN 106832]
2 FLAXMAN & BLAKELY
3 Shelterpoint Business Center
4 591 Redwood Highway, Suite 2275
5 Mill Valley, CA 94941
6 Telephone: (415) 381-6650
7 Facsimile: (415) 381-4301

8
9
10 Attorney for Plaintiff and Creditor
11 Philip DiGirolamo

12 UNITED STATES BANKRUPTCY COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 IN RE

15 ANGELO DiGIROLAMO,

16 Debtor.

17 PHILIP DiGIROLAMO,

18 Plaintiff,

19 vs.

20 ANGELO DiGIROLAMO,

21 Defendant.

) Case No.: 10-50178

) Adversary Proceeding No.: 10-05022

) Chapter 7

) **ENTRY OF DEFAULT BY CLERK**

22
23
24
25
26
27
28
ENTRY OF DEFAULT BY CLERK

Case: 10-05022 Doc# 10-1 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 1 of 3

1 It appearing from the records in the above-entitled action that the Adversary Complaint
2 herein was timely filed, and that a Summons has been duly served upon the defendant named
3 above, and it further appearing that the defendant has failed to plead or otherwise defend in said
4 action as directed in said Summons, and as provided in the Federal Rules of Civil Procedure:

5 Now, therefore, on the request of the Plaintiff, the DEFAULT of the following named
6 defendant is hereby entered:

7 Angelo DiGirolamo
8
9
10

11 DATED:

FOR THE COURT

12 Gloria L. Franklin
13 Clerk of the Court
14 United States Bankruptcy Court
15

16 By: _____
17 Deputy Clerk
18
19
20
21
22
23
24
25
26
27
28

ENTRY OF DEFAULT BY CLERK

Case: 10-05022 Doc# 10-1 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 2 of 3

Court's Service List

Bruce W. Blakely, Esq.
Flaxman & Blakely
591 Redwood Highway, Suite 2275
Mill Valley, CA 94941

Katherine Johnson
Pite Duncan, LLP
4375 Jutland Drive, Suite 200
San Diego, CA 92177

Matthew E. Williamson
Law Office of Matthew E. Williamson
490 Calle Principal
Monterey, CA 93940

ENTRY OF DEFAULT BY CLERK

Case: 10-05022 Doc# 10-1 Filed: 03/23/10 Entered: 03/23/10 16:53:49 Page 3 of 3